

SOUTHERN DISTRICT OF FLORIDA  
MIAMI, FLORIDA....

ALAN BRADLY KIRCHER

00-4068

vs.

CASE NO:

CIV - HUCK

MAGISTRATE JUDGE  
SORRENTINO

AMENDMENT TO COMPLAINT

THE PLAINTIFF ALAN BRADLY KIRCHER, PRO-SE HEREIN SUBMITS THE  
FORGOING AMENDMENT TO COMPLAINT AND HAS RESPECTFULLY INVOKED THE  
JURISDICTION UNDER TITLE 42 U.S. CONSTITUTION SECTION 1983.

THE PLAINTIFF IN THIS CAUSE HOLDS DOCTOR SOLARZANO, THE DEPARTMENT OF CORRECTIONS, DADE CORRECTIONAL AND THE STATE OF FLORIDA LIABLE IN HIS INDIVIDUAL AND OFFICIAL CAPACITY FOR NEGLECT, AND DELIBERATE INDIFFERENCE TO THE PLAINTIFF'S MEDICAL NEED'S BY DENYING THE PLAINTIFF MEDICAL CARE FOR A SERIOUS MEDICAL PROBLEM WITH HIS LEFT THIGH AND RIGHT SHOULDER IN WHICH RESULTED IN THE PLAINTIFF SUFFERING WITH SEVER PHYSICAL PAIN AND ALSO PSYCHOLOGICAL PROBLEMS IN WHICH DOES CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT IN THE DIRECT VIOLATION OF THE EIGHTH AMENDMENT OF THE U.S CONSTITUTION.

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Plaintiff SEEKS from THIS COURT AN ORDER AWARDING HIM THE  
TOTAL sum of \$5,000,000.00 DIRECTLY AGAINST THE DEFENDANT(S)  
DOCTOR SOLORZANO AND THE FLORIDA DEPARTMENT OF CORRECTIONS  
IN THE CAUSE.

Facts

THE PLAINTIFF STATES IN 1998 AND 1999 WHERE HE WAS IN THE FLORIDA  
DEPARTMENT OF CORRECTION'S "DADE CORRECTIONAL INSTITUTION". HE STATES THAT,  
HE WAS HAVING PROBLEMS WITH HIS RIGHT SHOULDER. HE GOT X-RAYS  
AND AN M.R.I. IN WHICH SHOWED MY ROTATOR CUFF HAD A TEAR. HE WAS  
THEN BROUGHT TO PHYSICAL THERAPY AND HAD MULTIPLE INJECTION(S) WHICH  
DID NO GOOD. I WAS THEN SENT TO NORTH FLORIDA RECEPTION CENTER WHERE  
I RECEIVED EVERYTHING BUT SURGERY WHICH I NEEDED.

THE PLAINTIFF WAS RELEASED FROM PRISON BEFORE THE SURGERY COULD BE DONE.  
HE HAD SURGERY DONE ON HIS OWN. ON JUNE 20<sup>TH</sup> 2000 HE WAS RECEIVED  
BACK IN PRISON AT SOUTH FLORIDA RECEPTION CENTER. HE INFORMED ALL OF THE  
MEDICAL STAFF OF HIS RIGHT SHOULDER SURGERY BUT WAS PLACED ON THE  
TOP BUNK ANYWAY'S AND FORCED TO USE HIS RIGHT ARM AND SHOULDER AND  
IN THE PROCESS REHURT HIS RIGHT SHOULDER. HE BROUGHT THIS TO THE  
MEDICAL STAFF'S ATTENTION ON JUNE 23, 2000. SINCE THIS TIME HE HAS  
FILED A NUMBER OF REQUEST(S), INFORMAL GRIEVANCE(S) AND FORMAL GRIEVANCE(S)  
ALL OF WHICH WERE APPROVED YET! NOTHING HAS BEEN DONE. THE PLAINTIFF'S  
MEDICAL RECORDS WILL REVEAL THE FOREGOING FACT(S) IN THIS CASE TO BE TRUE  
AND CORRECT.

THE PLAINTIFF RIAN BRADLY KIRCHER WILL STATE FACT(S) TO THE COURT WHICH  
WILL PROVE THAT WHILE AT "DADE CORRECTIONAL INSTITUTION" HE WENT TO SICK  
CALL ENOUGH TIMES COMPLAINING OF THE PAIN HE WAS HAVING WITH HIS RIGHT  
SHOULDER AND LEFT THITH HE STATED THAT HE WAS IN SO MUCH PAIN BUT HE  
HAD TO GO WITHOUT TREATMENT BECAUSE THERE WAS A LONG LIST OF OTHER INMATES  
WHO HAD TO BE SEEN.

THEREFORE THE PLAINTIFF WOULD HAVE TO WAIT FOR SIX(6) WEEKS BEFORE HE COULD RECEIVE ANY NEEDED MEDICAL TREATMENT, WHEREAS AS THE PLAINTIFF HAS TO CONTINUE TO SUFFER SEVERELY WITH PHYSICAL PAIN AND PSYCHOLOGICAL AND EMOTIONAL PROBLEMS BECAUSE OF THE MEDICAL NEGLECT ON BEHALF OF THE DOCTOR'S AT DANZ CORRECTIONAL INSTITUTION THE PLAINTIFF HAS STARTED A COGNIZABLE CLAIM UNDER SECTION 1983 THEREFORE DOCTOR SOLORZANO ACT(S) ARE EVIDENCE TO HIS DELIBERATE INDIFFERENCE FOR THE PLAINTIFF'S MEDICAL NEED'S.

THE DEFENDANT HAS FAILED HIS DUTY WHILE ACTING UNDER THE CODE OF STATE LAW, PLACING THE PLAINTIFF UNDER A LOT OF MENTAL STRESS AS WELL AS SEVERE PAIN AND SUFFERING.

WHEREAS THE PLAINTIFF HAS STATED A CLAIM FOR RELIEF UNDER TITLE 42 U.S.C. SEC. 1983 IN WHITHORN VS. HARVELSON 758 F.2d 1416, 1419 (11TH CIR. 1985) PLAINTIFF HAS ALSO STATED PROVEN FACT'S AND AFFIRMATIVE CASUAL CONNECTION BETWEEN HIM AND THE DEFENDANT RESULTING IN THE DEPRIVATION OF THE PLAINTIFF'S CONSTITUTIONAL RIGHT'S.

SEE: E.G. WILLIAMS VS. BENNETT 689 F.2d 1370 (11TH CIR 1982) ALSO: McLAUGHLIN VS. CITY OF LAGRANGE 662 F.2d 1385 (11TH CIR 1981).

EACH INDIVIDUAL DEFENDANT CAN BE HELD ONLY LIABLE FOR WHAT HE/SHE DID PERSONALLY AND NOT FOR ANY RECKLESSNESS ON THE PART OF ANY OTHER OFFICIAL SINGLE OR AS A GROUP: SEE BENNET VS PASSIC 54 F.2d 1260, 1262-63 (10TH CIR 1976) (PERSONAL PARTICIPATION IS AN ESSENTIAL ALLEGATION IN A 1983 CLAIM)

WHEREAS BASED ON THE FOREGOING FACT(S) STATED HEREIN THE PLAINTIFF PRAYS THAT THIS HONORABLE COURT WILL ENTER IN AND ON HIS BEHALF.

Respectfully Submitted  
Alan B Kucher  
ALAN BRADLY KUCHER

UNNOTORIZED OATH

State of Florida

County of Dade

UNDER THE PENALTIES AND AUTHORITY OF SECTION 92 525 F.S. AND  
STATE VS. SHEAVER 628 So.2d 104 MAKES THE FOLLOWING OATH UNDER  
THE PENALTIES OF PERJURY. THE PLAINTIFF HEREBY DECLARES THAT HE DID  
CONTAIN THE FOLLOWING ABOVE AND FORGOING AMENDMENT TO COMPLAINT AND  
THAT THE FACT'S STATED HERE IN ARE TRUE AND CORRECT.

DONE THIS 23 DAY OF OCTOBER 2000

s\ Alan B. Kucher